IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Delay Condonation App. No. 8318 of 2005
&
Review Application No. 104 of 2005
In
Writ Petition No. 306 of 2004 (S/B)

Pradhyuman Singh Rana …… Petitioner

Versus

Union of India & others. …… Respondents

Mr. Pankaj Purohit, Advocate for the petitioner.

Mr. Pradeep Joshi, Standing Counsel (Central Govt.) for the respondents.

Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

Mr. Pankaj Purohit, Advocate for the petitioner.

Mr. Pradeep Joshi, Standing Counsel (Central Govt.) for the respondents.

2. On due consideration, CLMA No. 8318 of 2005 is allowed and the delay, in filing the review petition, is hereby condoned.

3. They are heard on Review Petition No. 104 of 2005, whereby the respondents in the writ petition are seeking review of the order dated 30.10.2004.

4. The petitioner filed the writ petition for the following reliefs:

> "a. Issue a writ, order or direction in the nature of Mandamus commanding the respondents not to shift the S.S.B. Group Centre / Frontier Academy from Gwaldam to Srinagar Garhwal;
>
> b. Issue a writ, order or direction in the nature of Certiorari to call for the record and to quash the order if any passed by the respondents for shifting the Frontier Academy / S.S.B. Group Centre from Gwaldam to Srinagar Garhwal.

c. Issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

d. Award the cost the petition to the petitioner."

5. On 30.10.2004, the writ petition was disposed of with the following order:

"Heard Mr. Pankaj Purohit, learned counsel for the petitioner and Mr. V.B.S. Negi, Senior Standing Counsel, Govt. of India.

Mr. Negi, Senior Standing Counsel, Govt. of India, on the basis of the instructions received by him, makes a statement that the whole academy is not going to be shifted. Only 50% of the staff shall be shifted to Srinagar and remaining 50% staff shall remain at Gwaldam. This satisfies learned counsel for the petitioner.

The petition is accordingly disposed of on the basis of this statement."

6. The respondents are seeking review of the above order dated 30.10.2004 on the ground that though the respondents will continue the Frontier Academy at Gwaldam, it would not always be practically possible to maintain the ratio of 50% at both the places, as the requirement at these places may vary from time to time.

7. As the petitioner in the writ petition was seeking only a direction to the respondents not to shift Frontier Academy from Gwaldam, we do not see any prejudice to the petitioner if the ratio of 50% as recorded in the order dated 30.10.2004, is made flexible to be fixed by the respondents in view of the requirement at both the places i.e. Gwaldam and Srinagar from time to time.

8. Thus, the order dated 30.10.2004 is modified to the extent that though the respondents shall continue the Frontier Academy at Gwaldam, they will be free to change the ratio as per the requirement at these places from time to time and it shall not always be necessary for them to keep 50% of the staff at Gwaldam.

9. With the above order, CLMA No. 104 of 2005 stands disposed of.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**
10.08.2006 10.08.2006

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